



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 16 2009

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Craig Smith
Plant Manager
Biewer-Wisconsin Sawmill, Inc.
400 Red Pine Court
Prentice, Wisconsin 54566

Re: Notice of Violation

Dear Mr. Smith:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Biewer-Wisconsin Sawmill, Inc., (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. §7413(a)(1). We find that you have violated the Wisconsin State Implementation Plan (SIP) at your Prentice, Wisconsin facility.

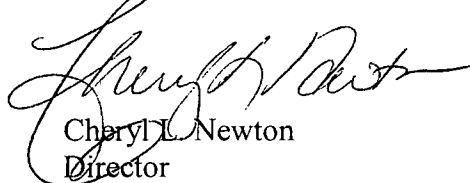
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The contact in this matter is Mr. Farro Assadi. You may call him at (312) 886-1424 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,



Cheryl L. Newton
Director
Air and Radiation Division

cc: William Baumann, Chief
Compliance and Enforcement Section
Wisconsin Department of Natural Resources

Neal Baudhuin, Supervisor
Wisconsin Department of Natural Resources
Northern Region

1. Wis. Admin. Code NR Chapter 154.04 “Permit Requirements and Exemptions,” was incorporated into the federally enforceable Wisconsin SIP at 51 *Fed. Reg.* 23056 (June 25, 1986) on July 25, 1986. 40 C.F.R. §52.2570(c)(42). This rule has since been renumbered to NR 406.03.
2. Except for certain exemptions not applicable here, Wis. Admin. Code NR 154.04(1) requires that no person may commence construction, reconstruction, replacement, relocation or modification of a stationary source or operate the constructed, reconstructed, replaced or modified stationary source unless the person has a construction or modification and new operation permit for the source.

3. Wis. Admin. Code NR 407 "Operation Permits," was incorporated into the federally enforceable Wisconsin SIP at 60 *Fed. Reg.* 3543 (January 17, 1995) on February 17, 1995. 40 C.F.R. §52.2570(c)(75).
4. Except for certain exemptions not applicable in this case, Wis. Admin. Code NR 407.05(4) requires that the applications for operation permits contain all information required for the issuance of an operation permit, including description of the processes and magnitude of all air contaminants released from all emission units.

Factual Background

5. Biewer-Wisconsin Sawmill, Inc., (Biewer) owns and operates a facility located at 400 Red Pine Court, in Prentice, Wisconsin.
6. Biewer facility was constructed and began operation in April of 1990. The facility receives softwood logs, cuts, trims, and dries them prior to resale of the wood as finished lumber.
7. Processes at Biewer facility include four indirect steam heated kilns for drying of softwood lumber. The kilns emit in excess of 19 pounds per hour and 83 tons per year of volatile organic compounds (VOC).

Violations

8. Biewer did not apply for or receive a construction permit prior to installation of the kilns in April of 1990, or subsequent operation in May of 1990, in violation of Wis. Admin. Code NR 154.04(1).
9. In May of 1995 Biewer submitted a renewable operating permit application to the Wisconsin Department of Natural Resources (WDNR) pursuant to Wis. Adm. Code NR 407 and 40 C.F.R. 70. However, Biewer failed to identify the drying kilns as significant source of air pollutant emissions. Consequently, the permit issued by WDNR did not include requirements to measure, monitor and control air pollutants emitted from the kilns, in violation of Wis. Admin. Code NR 407.05(4).

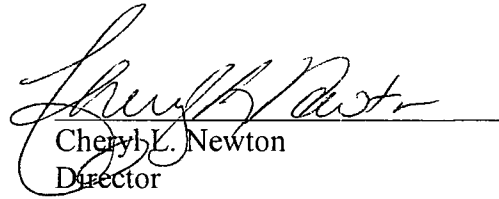
Environmental Impact of Violations

Permit to install and permit to operate regulations were established to ensure that air emission sources are constructed and operated in continuous compliance with the air emission standards and thereby reducing harm to the public and the environment. Violations of such permit requirements could increase public exposure to excess emissions of air pollutants causing respiratory problems, lung damage and premature deaths.

The kilns emit over 80 tons of VOC which could contribute to the formation of ground-level ozone and smog. Breathing ozone can trigger a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground-level ozone also can reduce lung function and inflame the linings of the lungs. Repeated exposure may permanently scar lung tissue. Ground-level ozone can have detrimental effects on plants and ecosystems. These effects include: interfering with the ability of sensitive plants to produce and store food, making them more susceptible to certain diseases, insects, other pollutants, competition and harsh weather; damaging the leaves of trees and other plants, negatively impacting the appearance of urban vegetation, national parks, and recreation areas; and reducing crop yields and forest growth, potentially impacting species diversity in ecosystems.

Date

4/16/09



Cheryl L. Newton
Director

Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Notice of Violation, No. EPA-5-09-WI-08, by

Certified Mail, Return Receipt Requested, to:

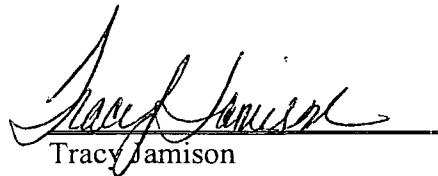
Craig Smith, Plant Manager
Biewer-Wisconsin Sawmill, Inc.
400 Red Pine Court
Prentice, Wisconsin 54556

I also certify that I sent copies of the Notice of Violation by first class mail to:

William Baumann, Chief
Compliance and Enforcement Section
Wisconsin Department of Natural Resources
101 S. Webster St.
Madison, Wisconsin 53707-7921

Neal Baudhuin, Supervisor
Wisconsin Department of Natural Resources
Northern Region
107 Sutliff Avenue
Rhineland, Wisconsin 54501

on this 16 day of April, 2009.


Tracy Jamison
Office Automation Clerk
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8919 2867